

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Indiana

United States of America

v.

CARLOS DIAZ-FLAMENCO
a/k/a Carlos Joel Diaz , a/k/a Carlos Joel Diaz-
Flamenco, a/k/a Cristobal Diaz Vidal

Case No.
2:21-MJ-2

Defendant(s)

**CRIMINAL COMPLAINT BY TELEPHONE OR OTHER
RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 22, 2019 in the county of Tippecanoe in the
Northern District of Indiana, the defendant(s) violated:

Code Section

Title 8 U.S.C. 1326(a) and
1326(b)(2)

Offense Description

Illegal Reentry Into the United States after Removal for an Aggravated Felony

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Justin L. Decker
Complainant's signature

Justin Decker, Deportation Officer - ICE

Printed name and title

Attested to by the applicant in accordance with the requirements
of Fed. R. Crim. P. 4.1, by verbatim email and telephonic conference.

Date: 01/07/2021

Hammond, IN
City and state

/s/Andrew P. Rodovich

Judge's Signature

Andrew P. Rodovich, U.S. Magistrate Judge

Printed name and title



AFFIDAVIT FOR CRIMINAL COMPLAINT AND ARREST WARRANT:

CARLOS DIAZ-FLAMENCO

I, Justin Decker, being duly sworn upon oath, state as follows:

1. I am a Deportation Officer with United States Immigration and Customs Enforcement ("ICE") and have been so employed since April 2007. I am currently assigned to the Fugitive Operation Team at Indianapolis, Indiana. My duties are to investigate immigration violations, including aliens who have reentered the United States illegally. Prior to joining ICE, I graduated from the Pentagon Police Department Academy in July 2003 and held the position of Police Officer until April 2007.

2. The following information is based upon my personal knowledge, information provided to me by other law enforcement personnel, and ICE records pertaining to the defendant Carlos DIAZ-FLAMENCO AKA: Carlos Joel DIAZ , AKA Carlos J. DIAZ, aka: Carlos Joel DIAZ FLAMENCO: Cristobal DIAZ VIDAL (hereinafter "DIAZ-FLAMENCO").

3. This affidavit is submitted in support of a complaint for the arrest of DIAZ-FLAMENCO for violation of Title 8 United States Code, Sections 1326(a) and (b)(1). It does not include every fact known to me about the investigation, but rather only those facts that I believe are sufficient to establish the requisite probable cause.

4. I have reviewed police reports from the Tippecanoe County Sheriff's Department that revealed on December 22, 2019, a person identifying themselves as Cristobal Diaz Vidal was stopped for speeding. During this traffic stop, the following occurred:

5. Deputy Minott (Minott) of the Tippecanoe County Sheriff's Office initiated a traffic stop of the vehicle being driven in Tippecanoe County, Indiana. The driver did not have any form of identification and spoke English, but with a very heavy Hispanic accent. The driver stated his name several times but Deputy Minott could not understand him. Deputy Minott then had the driver write down his name. The driver wrote the name Cristobal Vidal-Diaz.

6. Vidal stated he had no form of identification and never had a driver's license. Deputy Minott informed Vidal that he had been stopped for speeding. Vidal stated that he was driving to go get food for himself and his pregnant girlfriend.

7. The vehicle being driven by the person identifying themselves as Vidal, a red Chevrolet Impala, was not registered to Vidal. Deputy Minott ran Vidal through NCIC/IDACS and never received a return for a license or ID card in the name provided by Vidal. Deputy Minott requested a tow truck and another police unit to assist him. Lafayette Police officer Odom arrived on the scene a short time later.

8. Deputy Minott asked Vidal to step out of the vehicle and informed Vidal that he was under arrest for operating a vehicle without ever receiving a license. Vidal was handcuffed. Vidal pleaded with Deputy Minott to let him go with a ticket so he could go back to his pregnant girlfriend. Deputy Minott informed Vidal that he had no way of knowing if Vidal gave Deputy Minott his real name since Vidal had no identification and the name given to Deputy Minott did not return through NCIC/IDACS. Deputy Minott told Vidal that he would be fingerprinted and photographed at the Sheriff's Department during the booking process. Vidal was transported to the Tippecanoe County Jail and remanded to jail staff without incident. Vidal was charged

with Operator Never Receiving a License. Vidal eventually failed to appear in Tippecanoe County Court for that charge.

9. On December 7, 2020, I received information from the National Criminal Analysis and Targeting Center (hereinafter "NCATC") based off fingerprint/biometric confirmation by the Law Enforcement Support Center (LESC) that the person identifying themselves as Cristobal Vidal Diaz during the December 22, 2019, traffic stop in Tippecanoe County, Indiana, was in fact, CARLOS JOEL DIAZ-FLAMENCO.

10. Additional law enforcement database checks revealed that DIAZ-FLAMENCO was previously found to be illegally in the United States and on September 14, 2005, DIAZ-FLAMENCO was ordered removed to his native country of Honduras by an Immigration Judge. On December 22, 2005, DIAZ-FLAMENCO was again found to be illegally in the United States and removed to his native country of Honduras through Miami, Florida.

11. On September 18, 2014, DIAZ-FLAMENCO was convicted in the United States District Court Western District of Texas, El Paso, Texas for the offense of Conspiracy to Distribute with the Intent to Distribute 100 Kilograms or more of a mixture of a or Substance Containing a Detectable Amount of Marijuana in violation of Title 21, United States Code Section 846, 841(a)(1), (b)(1)(B)(vii) for which DIAZ-FLAMENCO received a sentence of 121 months was imposed.

12. On December 16, 2016, DIAZ-FLAMENCO was again removed to his native country of Honduras through Alexandria, Louisiana.

13. ICE maintains an index database of all aliens identified by an alien registration number. This ICE record is available to me and is file number A200 136 548

in the name of Carlos DIAZ-FLAMENCO, date of birth January 18, 1988. These records reveal that DIAZ-FLAMENCO is a citizen of Honduras by birth.

14. ICE records indicate DIAZ-FLAMENCO has never obtained permission from the Attorney General or his successor, the Secretary of Homeland Security, to reapply for admission to the United States.


15. On January 7, 2020, the United States District Court Northern District of Texas issued a warrant for DIAZ-FLAMENCO for violations of his supervised release. Additionally, on March 3, 2020, the Indiana Tippecanoe County Court issued a warrant for DIAZ-FLAMENCO's failure to appear on his traffic violation.

16. On January 4, 2021 the United States Marshal Service, along with other law enforcement agencies, served a criminal warrant at DIAZ-FLAMENCO's residence in Indianapolis, Indiana. After DIAZ-FLAMENCO was arrested, utilizing the ICE telephonic interpreter services, the undersigned mirandized DIAZ-FLAMENCO, in both English and Spanish with my Advisement of Rights and Miranda card. DIAZ-FLAMENCO stated that he understood his rights and was willing to answer questions without an attorney present.

17. In summary, during my interview, DIAZ-FLAMENCO stated that he would keep coming back to the United States even if he was deported again. I established DIAZ-FLAMENCO's Honduras alienage, removability, and positive identification. I did this both verbally as well as with a mobile biometric scanner device. DIAZ-FLAMENCO was arrested by the US Marshal's and transported to the Marion County jail, at Indianapolis, Indiana.

18. Based on the foregoing, there is probable cause to believe that DIAZ-FLAMENCO is an alien who has been found in the United States in Tippecanoe County, within the Northern District of Indiana, after having been convicted of an aggravated felony and after having been previously removed or deported from the United States in violation of Title 8 United States Code, §1326(a) and (b)(2).

AFFIANT FURTHER SAYETH NOT.



JUSTIN DECKER
Deportation Officer / ICE

Sworn and subscribed before me on this 7th day of January 2021.

/s/Andrew P. Rodovich

ANDREW P. RODOVICH
UNITED STATES MAGISTRATE JUDGE
United States District Court
Northern District of Indiana

